

ABOLISH SECRET HOLDS

Mr. SPECTER. I compliment our colleagues, Senator GRASSLEY and Senator WYDEN, for their initiative in moving to end the practice of a hold. For those watching, if anyone, on C-SPAN2 at the moment, a hold is a Senate procedure which is secret, where the Senator says that matter may not move without notifying me. The final days of the session are sufficient to stop any action on an individual by a statement that there be insistence on debate, where there is no time for votes, or when we are not having them, as we have not had any for the past several days.

I intend to join Senator GRASSLEY and our Republican caucus to try to end this pernicious practice. It simply ought not to prevail in an open society and in an open setting.

If someone has an objection to some individual or to some bill, I think it is only right that the individual stand up and state the objection. I do thank my colleagues who had objected to Judge Massiah-Jackson for being forthright in discussing the matter with me, and I understand an honest difference of opinion. I respect that difference of opinion. I don't agree with it, but I do respect it, so long as you have an opportunity to discuss the matter, to find out what is happening and we can try to do something about it.

CONGRATULATIONS ON SESSION CONCLUSION

Mr. SPECTER. This is the end of our first session of the 105th Congress, and I congratulate our colleagues both in the House and the Senate on doing the country's business and being out by Thanksgiving. I think that is an accomplishment.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Wyoming is recognized.

Mr. ENZI. Thank you, Madam President.

MARGARET CHASE SMITH

Mr. ENZI. I appreciated the comments earlier of the Presiding Officer. I learned a great deal from listening to the Senator talk of the people that have gone before her. Of course, that reminds me of people that have gone before me from my State and all of those who have gone before us in this great body. We not only think about those who have gone before, we think about those people who are here now, those people who are at home in our respective States at the moment, and those people who are relying on our judgment in this Chamber today to preserve the right for them to be here or in Maine or in Wyoming in the future.

NOMINATION OF ANN AIKEN TO BE FEDERAL DISTRICT COURT JUDGE, DISTRICT OF OREGON

Mr. ENZI. Madam President, today I rise to oppose a nomination. I want to tell you, I have a hold on a nomination. It is not a secret hold. Those that are interested in the nomination know I have the hold on it. I would not do that in secret. The purpose is not for secrecy. The purpose is to get an action that will show on the record, that will be reflected by this body for years to come. That is what we were sent here for.

Judge Ann Aiken has been nominated by the President of the United States to be a District Court Judge for the District of Oregon. I have asked for a rollcall vote because I want to be on record as opposing this nominee. I don't question Judge Aiken's experience or academic qualifications to sit on the Federal bench. I do have serious concerns about her judicial philosophy as she has applied it in State court in Oregon. One particularly tragic case perhaps best illustrates concern. It is the case of State versus Ronny Lee Dye, a 26-year-old man who was convicted of first-degree rape of a 5-year-old girl. Instead of sentencing this convicted rapist to State prison, Judge Aiken sentenced him to only 90 days in jail and 5 years' probation, plus a \$2,000 fine. According to local papers, Judge Aiken did not want to sentence Dye to state prison because the prison did not have a sex offender rehabilitation program.

How do you think the parents of that girl felt? Moreover, she believed that the probation following the jail term provided a stricter supervision than the parole that would have followed the prison sentence.

Less than a year after the conviction for rape, Dye violated his parole by driving under the influence of alcohol and having contact with minor children without permission of his probation officer. I believe that Judge Aiken's handling of this case and others illustrates an inclination toward an unjustified leniency for convicted criminals.

I do not pretend to be able to predict with any degree of accuracy how the nominee or any other will rule while on the Federal bench in exercising our solemn constitutional duty to advise and consent on the President's nominations for Federal courts, what this body stands for, we have only the past action, statements and writings to guide our deliberations. Moreover, since Federal judges have life tenure—life tenure—and salary protection while in office we have but one opportunity to voice our concerns in disapproval of a judge's record.

I, for one, cannot vote to confirm a nominee to the Federal court who I believe is inclined to substitute his or her personal policy preferences for those of the U.S. Congress and the various State legislatures. I have strong concerns about this judge. If confirmed,

would she be inclined to this type of judicial activism? For this reason, I will cast my vote against the confirmation of Judge Aiken and insist on a rollcall vote so that it will be recorded.

That may result in a delay in that court, but I think it is an important delay. I don't think I'm the only one opposing this, and I will insist on the rollcall vote.

I yield the floor.

Mr. NICKLES. First, I wish to congratulate my colleague, Senator ENZI, from Wyoming, for that statement. I wish more Senators would spend more time doing their homework on Federal judges. I think it is obvious in this case he has done a lot of homework on the judge. We should all do more, and he is certainly entitled to express that sentiment on the floor and he is entitled to a rollcall vote. I will certainly support him in that effort.

ROAD AHEAD ON GLOBAL TOBACCO DEAL

Mr. NICKLES. Madam President, as we move toward adjournment in the first session of the 105th Congress, I want to take a couple of minutes to look ahead at one of the real big challenges that we have next year. That issue is tobacco and the so-called global tobacco deal that was agreed to earlier this year between the tobacco industry, States attorneys general, and health advocates.

Madam President, we have seen a significant sea change in our culture's attitudes toward smoking in the last 30 years. The proportion of adult smokers peaked at 43 percent in 1966 and has dropped dramatically since then to about 25 percent today. According to the Federal Trade Commission, demand for cigarettes is forecast to continue to decline about 0.6 percent a year for the foreseeable future.

However, as adult use has declined, concern has grown about the number of underage smokers who every day try their first cigarette. Madam President, 4.5 million kids ages 12 to 17 are current smokers, according to the Department of Health and Human Services; 29 percent of males age 12 to 21, and 26 percent of females in the same age group currently smoke, according to reports of the National Center for Health Statistics. In 1994, the Surgeon General's report found that 9 out of 10 Americans who currently smoke say they began smoking as teenagers. Many Americans share a common goal to reduce teen smoking dramatically to break the cycle of smoking as we enter into the 21st century. Members of Congress, Republican and Democrat, too, would like to see our children smoke free and families free from fear of smoke-related cancers and disease.

The agreement between the tobacco industry and States attorneys general was motivated by good intentions, but it resulted in a deal that is very complicated. In the Senate, several committees have held numerous hearings